



Human Rights Defenders Alert - India

National Coordination Office

6, Vallabai Road, Chokkikulam, Madurai 625

002. Tamil Nadu, INDIA

Tel: +91-9994368540 Email: hrda.india@gmail.com

June 29th, 2015

Shri A. K. Parashar

National Focal Point - Human Rights Defenders & Joint Registrar

National Human Rights Commission

Manav Adhikar Bhawan,

Block-C, GPO Complex, INA,

New Delhi – 110 023

Email: hrd-nhrc@nic.in

Dear Sir,

***Sub: HRD Alert – India - Urgent Appeal for Action – Brutal murder - RTI activist
Mr. Guru Prasad Shukla - On 13 June, 2015 in Hardigaura village, district
Baharaich, Uttar Pradesh - regarding.***

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a Forum of Human Rights Defenders for Human Rights Defenders. It endeavours to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are now writing to express our grave concern regarding the killing of an RTI activist Mr. Guru Prasad Shukla on 13 June, 2015 in Hardigaura village, district Baharaich, Uttar Pradesh for exposing corruption and embezzlement of public money earmarked for the village development works by the panchayat head and panchayat officials.

Source of Information on the Incident:

- The Regional Coordinator of HRDA for North of India
- Media reports
- Communication with Guru Prasad's relative and colleague Mr. Suresh Pathak.

Status of the HRD:

Mr. Guru Prasad Shukla was active in his village level social work. He had been filing RTIs for the last 8 years. He has filed almost 300 RTI applications till his death. Most of his RTIs were related to getting information about the fund allocation and expenditure in his village development works such as construction of toilet facilities in schools, building of roads, housing schemes and issues of expenditure, wages in rural employment schemes like MNREGA etc. Most of the RTI queries were filed in the District Revenue Office, the Office of District Panchayat Officer, the Block Development Office, the Chief Development Officer and the State Information Commission in the state capital, Lucknow. In the basis of his complaint to the State / Central Information Commission, panchayat officials of Hardi village were also summoned for the investigation related to village development work in 2013. He was also awarded Vishnu Dutt Mishra RTI Ratna Prize 2015 by Yaishwaryaj Seva Sansthan, Lucknow for his social work especially in the field of Right to Information. Mr. Guru Prasad was also associated with task force on Right to Information in Uttar Pradesh.

The Perpetrators:

Mr. Trilokinath (current village head or pradhan)

Mr. Sushil Kumar (S/o Trilokinath)

Mr. Neeraj (Brother of Sushil)

Date of Incident:

13 June, 2015, around 05.00 AM

Place of Incident:

Sagbhir Majra, Hardigaura gramsabha, Tehsil Mahsi, Police station Hardigaura. district Baharaich, Uttar Pradesh

Details of the Incident:

According to sources, in 2013 Ms. Dhaval, Secretary under the Indian union ministry ordered an enquiry by the Additional Commissioner of Accounts, Government of Uttar Pradesh to investigate into the alleged irregularities in the allocation of funds under various schemes for village development under Mahsi Tehsil on the complaint

of Mr. Guru Prasad Shukla. The team visited Baraich in 2013 and submitted its report to the District Development Officer, Baharaich. The report also found irregularities in MNREGA documents; funds allocated for building toilets in schools were not used; houses under Indira Awas Yojna were found to be incomplete. The Village head, Trilokinath, two Village Panchayat Officers and Block Development Officers were found guilty and held responsible for the embezzlement of funds meant for public welfare. Mr. Pathak, Under Secretary, Government of Uttar Pradesh confirmed the irregularities in allocated funds on the complaint of Mr. Guru Prasad and a fax message was sent to the District Magistrate to take disciplinary and punitive action against those declared guilty in the official report within a month. Two Village Panchayat Officers were suspended. But so far no charge sheet has been filed in the case. In the past year covering 2014-15, rupees 22 lakh were withdrawn from the state funds earmarked for village development by the current Village Panchayat officer. Guru Prasad and his colleagues filed a complaint on 8th June, 2015 in the office of the District Panchayat Raj Officer, the Block Development Officer and the Chief Development officer, Baharaich. Guru Prasad's relentless fight against corruption made the arrest of guilty persons mainly the current village head Mr. Trilokinath imminent. On 12th night the village Pradhan along with his henchmen entered the house of Guru Prasad and attacked him with lathis (batons) and broke all his bones. Pointed weapon with long blade called Banka was used in an attempt to kill him. Guru Prasad's family members including his wife and children were badly beaten. Guru Prasad's head had severe injuries with almost broken head bones. He was taken in an unconscious state to the city hospital in Baharaich where during the treatment he breathed his last. All the three accused Mr. Trilokinath, current village head or Pradhan, his son Mr. Sushil Kumar and his brother Mr. Neeraj have been arrested by the local police under section 302 of IPC.

Appeal :

We therefore urge you to immediately take necessary steps to ensure that the Superintendent of Police and the District Collector and District Magistrate of Baharaich District:


- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events of the killing of Mr. Guru Prasad Shukla;
- Along with local district officials guarantees in all circumstances due compensation to the family of the deceased and give this assurance to the NHRC of India in writing immediately and urgently;
- Put an end to all acts of attack and harassment against all RTI activists and all human rights defenders in Uttar Pradesh to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- Ensure the right to seek information guaranteed by the RTI Act and the Article 21 of the Constitution of India which guarantees personal liberty.
- Takes steps to conform to the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
 - Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels
 - Article 12.2, which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;
- Recommend urgently and speedily during the pendency of this complaint to also take necessary steps to establish a state focal point for HRDs within the SHRC in order that HRDs have a new protection mechanism based in their own state;
- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Uttar Pradesh to convene a meetings of all state human rights institutions in the state [women, minorities, right to information, disability,

children etc] to ensure that a co-ordinated strategy is developed within Uttar Pradesh for the protection of the rights of all human rights defenders;

- Recommend urgently and speedily during the pendency of this complaint, the State Government of Uttar Pradesh in collaboration with the NHRC Focal Point on HRDs to provide sensitization training to law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners;
- Recommend urgently and speedily during the pendency of this complaint, the Government of Uttar Pradesh to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, “individually and in association with others, ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (Art.1 of the Declaration on Human Rights Defenders);
- More generally, ensures in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the state of Uttar Pradesh.

Looking forward to your immediate action in this regard,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

(Henri Tiphagne)

Honorary National Working Secretary